

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter F, Chapter 254, Election Code, is amended by adding Section 254.164 to read as follows:

Sec. 254.164. CERTAIN COMMITTEES EXEMPT FROM CIVIL PENALTIES. The commission may not impose a civil penalty on a general-purpose committee for a violation of this chapter if the report filed by the committee that is the subject of the violation discloses that the committee did not accept political contributions totaling \$3,000 or more, accept political contributions from a single person totaling \$1,000 or more, or make or authorize political expenditures totaling \$3,000 or more during:

- (1) the reporting period covered by the report that is the subject of the violation; or*
- (2) either of the two reporting periods preceding the reporting period described by Subdivision (1).*

SECTION 2. Not later than December 31, 2008, the Texas Ethics Commission shall submit a report to the legislature on the impacts and effects of Section 254.164, Election Code, as added by this Act.

SECTION 3. Section 254.164, Election Code, as added by this Act, applies only to a violation of Chapter 254, Election Code, relating to a report required to be filed under that chapter on or after the effective date of this Act. A violation of Chapter 254, Election Code, relating to a report required to be filed under that chapter before the effective date of this Act is governed by the law in effect when the violation occurred, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2007.

Passed by the House on May 10, 2007: Yeas 133, Nays 3, 2 present, not voting; passed by the Senate on May 23, 2007: Yeas 31, Nays 0.

Approved June 15, 2007.

Effective September 1, 2007.

CHAPTER 598

H.B. No. 120

AN ACT

relating to state funding and designated tuition charged for courses provided during off-peak hours at certain public institutions of higher education.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter C, Chapter 61, Education Code, is amended by adding Section 61.0592 to read as follows:

Sec. 61.0592. FUNDING FOR COURSES PROVIDED DURING OFF-PEAK HOURS AT CERTAIN INSTITUTIONS. (a) The purposes of this section are:

- (1) to ensure that student demand for courses is met; and*
- (2) to encourage the efficient use of existing instructional facilities while reducing the need for new instructional facilities.*

(b) This section applies only to funding for a course provided by:

- (1) The University of Texas at Austin;*
- (2) Texas A&M University; or*
- (3) Texas Tech University.*

(c) To carry out the purposes of this section, for each institution of higher education listed under Subsection (b), the board shall include in the formulas established under Section 61.059 funding in amounts sufficient to cover the institution's revenue loss resulting from any reduction in tuition rates under Section 54.061.

(d) *In addition to the funding included under Subsection (c), in the formulas established under Section 61.059, as an incentive for the institutions to reduce tuition rates under Section 54.061, the board may include additional funding that represents a portion of the savings to the state resulting from the institution's efficient use of resources.*

SECTION 2. Subchapter B, Chapter 54, Education Code, is amended by adding Section 54.061 to read as follows:

Sec. 54.061. REDUCED DESIGNATED TUITION RATES FOR COURSES PROVIDED DURING OFF-PEAK HOURS AT CERTAIN INSTITUTIONS. (a) This section applies only to a course offered by an institution of higher education:

(1) *beginning at 6 p.m. or later during a weekday;*

(2) *on weekends; or*

(3) *at other times when the institution's instructional facilities would otherwise be underutilized, as determined by the governing board of the institution.*

(b) *In accordance with coordinating board rules and for the purposes stated in Section 61.0592, the governing board of an institution of higher education to which Section 61.0592 applies may establish tuition rates under Section 54.0513 for a course described by Subsection (a) that are not more than 25 percent lower than the rates that would otherwise apply to the course under that section.*

(c) *This section applies only if the legislature specifically appropriates money to institutions to which Section 61.0592 applies for the state fiscal biennium ending August 31, 2009, to cover the tuition revenue lost to the institutions by the application of this section.*

SECTION 3. As soon as practicable after the effective date of this Act, the Texas Higher Education Coordinating Board shall adopt rules under which public institutions of higher education may establish lower tuition rates in accordance with Section 54.061, Education Code, as added by this Act.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

Passed by the House on April 19, 2007: Yeas 140, Nays 2, 1 present, not voting; the House concurred in Senate amendments to H.B. No. 120 on May 22, 2007: Yeas 141, Nays 0, 2 present, not voting; passed by the Senate, with amendments, on May 18, 2007: Yeas 29, Nays 0.

Approved June 15, 2007.

Effective June 15, 2007.

CHAPTER 599

H.B. No. 149

AN ACT

relating to rates charged for water or sewer services by an entity that takes over a nonfunctioning water or sewer system.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter C, Chapter 13, Water Code, is amended by adding Section 13.046 to read as follows:

Sec. 13.046. TEMPORARY RATES FOR SERVICES PROVIDED FOR NONFUNCTIONING SYSTEM; SANCTIONS FOR NONCOMPLIANCE. (a) The commission by rule shall establish a procedure that allows a retail public utility that takes over the provision of services for a nonfunctioning retail water or sewer utility service provider to charge a reasonable rate for the services provided to the customers of the nonfunctioning